


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Palmaz et al. Attorney Docket: 6006-015
Serial No.: 09/707,685 Examiner: C. Miller
Filed: November 7, 2000 Art Unit: 3738
Confirmation No.: 9696 Customer No.: 29,335
Title: ENDOLUMINAL STENT, SELF-SUPPORTING ENDOLUMINAL GRAFT AND
METHODS OF MAKING SAME

CERTIFICATE OF ELECTRONIC FILING

I certify that this document (along with any documents referenced as being included herewith) is being transmitted on this the 18th day of May, 2009 addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Lori Dunham

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 C.F.R. §1.47(a)**

Dear Sir:

Applicants submit this Request for Reconsideration of Petition in response to the Decision on Petition dated March 16, 2009 (hereinafter "Decision") dismissing, without prejudice, Applicant's Petition to Withdraw Abandonment filed February 10, 2009 (hereinafter "Petition").

The Decision stated that "what is required is a copy of the master docket for the firm showing all replies due for a date that is two months from the mail date of the Board Decision, or if no such master docket exists, a statement so stating, and other evidence such as, but not limited to, a copy of application file jacket, or the individual docket record for the application in question". Decision at p. 3. The Applicant is supplying Exhibit A attached this Request, as the

master docket created on November 22, 2008, including docketed deadlines from November 22, 2008 through December 24, 2008 for Rosenbaum & Associates, P.C. (“the Firm”), and showing all replies due for a date that is two months from the mail date of the Board Decision dated September 30, 2008. The Firm’s master docket is maintained by Prolaw software produced by Elite, which is apart of Thomson Reuters. *See e.g.* Elite/Prolaw Law Office Management Software at <http://www.elite.com/prolaw/>, last accessed May 18, 2009. An “Events Document Listing Report” is the master docket for the firm, which is run every week by S. Cotugno through a query of event dates for that week and all the working Attorney’s Initials. The previous declaration submitted by S. Cotugno established her responsibilities as the docketing coordinator for the Firm. *See* Exhibit A of the Petition. Exhibit A of this Request includes a column entitled “Matter ID/Client Sort Matter Description” that describes the Attorney Docket No. and Title of the Application; a column entitled “Event Date” that is the docketed date or deadline for the respective matter; a column entitled “Notes” that indicates what the particular deadline is; and a column entitled “Document No.” indicates a Document No., if any. Exhibit A of this Request shows that the Event Date for the master docket is between 11/22/08 and 12/24/08 for initials containing 'DEB', 'PJL', 'JPP', 'DJS', 'MLG', 'DGR', whom were all the attorneys working for the Firm at that time. 'DGR' are the initials for David G. Rosenbaum, who is the managing partner of the Firm and whose initials appear on every single docketed item for the Firm. The Applicant has redacted all Confidential information appearing on Exhibit A due to Attorney-Client privilege; however, all of the Attorney Docket Nos. and the first line of the “Notes” column for November 30, 2008 and December 1, 2008 have not been redacted. All dates after December 1, 2008 have been redacted for Confidentiality purposes and irrelevancy.

The mail date of the Board Decision was September 30, 2008, so two months from the mail date of the Board Decision is November 30, 2008. Exhibit A of this Request shows eighteen (18) docketed entries for November 30, 2008 of which there is no docketed date for the present application, which would be identifiable as “Matter ID: 6006-015” for either Filing a Request for Rehearing under 37 C.F.R. 41.52, Filing a Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit under 37 C.F.R. 1.304, or Filing a Request for Continued Examination under 37 C.F.R. 1.198, of which there are no extensions. Exhibit A of the Request at p. 53-61. Applicant notes that the Attorney Docket No. “6006-015” has appeared on every communication to and from the USPTO since the application filing date of November 7, 2000,

including on page 1 of the Decision. Additionally, no docket date for a response to the Board Decision is docketed for December 1, 2008, since November 30, 2008 falls on a Sunday. Exhibit A of the Request at p. 61-81. As such, the Applicant has shown the non-receipt of the Board Decision by the master docket for the Firm in Exhibit A of this Request.

Additionally, the Decision stated the following:

The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. Petition at p. 2.

The Decision also stated that:

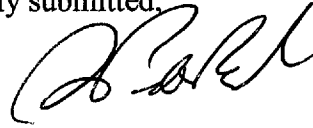
It is noted that Applicants have provided a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO, Applicants have also filed a copy of what was referred to as "an application file jacket for the above-captioned patent application," and an individual docket report for the above captioned application. Petition at p.2.

As such, the Applicant believes that the Petition is presently grantable and respectfully requests reconsideration of the Petition. In view of the showing presented herein of non-receipt of the mailed Board Decision, Applicants hereby petition for withdrawal of the holding of abandonment of the instant application.

There is no fee believed due with this Petition, however, the Commissioner is authorized to deduct any required fees from deposit Account 18-2000.

Should there be any further questions or concerns, the Office is encouraged to telephone the undersigned in order to expedite the processing of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Paredes', written in a cursive style.

J. Peter Paredes
Reg. No. 57,364

May 18, 2009

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